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Technical assistance and capacity-building

Australia,* Austria,* Belgium, Cyprus,* Denmark,* Ethiopia, France,* Germany, Hungary, Iceland,* Italy,* Kenya, Luxembourg,* Malta,* Montenegro,* Netherlands, Poland,* Romania,* Somalia,* Spain,* Sudan,* Sweden,* Tunisia,† Turkey,* Ukraine,* United Kingdom of Great Britain and Northern Ireland, United States of America: draft resolution

36/… Assistance to Somalia in the field of human rights

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights,

Acknowledging that peace and security, development and human rights are the pillars of the United Nations system,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

Reaffirming also its previous resolutions on Somalia,

Recalling its resolutions 5/1 and 5/2 of 18 June 2007,

Recognizing that the primary responsibility for promoting and protecting human rights in Somalia rests with the Federal Government of Somalia and that enhancing the legal framework, human rights protection systems and the capacity and legitimacy of institutions is essential to help to combat impunity and improve accountability for human rights violations and encourage reconciliation,

Recognizing also the need for all authorities engaged in security to uphold international human rights commitments and obligations and to address abuse and the excessive use of force against civilians,

* State not a member of the Human Rights Council.

† On behalf of the States Members of the United Nations that are members of African Group.

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Recognizing further the importance and effectiveness of international assistance to Somalia and the continued need to step up the scale, coordination, coherence and quality of all capacity development and technical assistance to Somalia in the field of human rights at the national and federal Member State levels, and in that regard welcomes the outcomes of the London Somalia Conference held in May 2017, including the adoption of the New Partnership for Somalia, which sets out the terms of international support for Somali priorities, including on human rights, and the Security Pact to provide Somali-led security and protection in accordance with international humanitarian law and international human rights law, as appropriate,

Recognizing the sustained and vital commitment of the African Union Mission in Somalia and the loss and sacrifice of personnel killed in action, and recognizing also that the commitments from the Mission and the Intergovernmental Authority on Development are creating the conditions for Somalia to establish political institutions and to extend State authority, which are key to laying the foundations for a staged transfer of security responsibility to Somali security forces,

Recognizing also the role that women have played and will continue to play in conflict, mediation and peacebuilding in Somali society, and the importance of promoting their economic empowerment and participation in political and public decision-making processes, including within Parliament and at all levels of government, in line with Security Council resolution 1325 (2000) of 31 October 2000 on women, peace and security,

1. *Welcomes* the commitment of the Federal Government of Somalia to improve the human rights situation in Somalia, and in that regard welcomes:

(*a*) The New Partnership for Somalia, adopted at the London Somalia Conference by Somalia and international partners, which sets ambitious but achievable goals for progress on the priorities of Somalia for stability and development, including on human rights and the rule of law, constitutional settlement, inclusive politics, good governance, measures to tackle corruption, security and economic recovery;

(*b*) The endorsement of the first national development plan in 30 years and the commitments made therein to protect human rights, to promote gender equality and to empower all women and girls;

(*c*) The Security Pact, adopted by Somalia and international partners at the London Somalia Conference, which sets out a vision of Somali-led security institutions and forces that are affordable, acceptable, accountable and have the ability to provide security and protection that the Somali people deserve and need, in accordance with international humanitarian law and human rights standards;

(*d*) The high-level commitment made at the London Somalia Conference to continue dialogue and to work towards closer partnership between the Federal Government of Somalia, civil society and diaspora organizations, in recognition of the important contribution of civil society and the diaspora in supporting ongoing peace and development in Somalia;

(*e*) The increased representation of women in the cabinet and the Somali national parliament from 14 per cent to 24 per cent as a result of the electoral process, which, although falling short of the commitment to reach 30 per cent representation of women, marks a hard-won step towards more representative, inclusive and effective governance;

(*f*) The work undertaken by the Ministry for Women and Human Rights Development as the lead federal government body to advance the human rights agenda in Somalia, including efforts to establish a national human rights commission to monitor and provide accountability for violations and abuses, with representation of women, marginalized groups and persons with disabilities;

(*g*) The development and agreement of key policies and plans, including a post-transition human rights road map, a national gender policy and a national plan of action on eradicating sexual violence in conflict;

(*h*) Progress on key legislation, including the enactment of the child protection bill, progress towards the adoption of a bill on sexual offences and implementation of a media law, through consultation with media organizations and civil societies, in order to provide a framework for upholding freedom of expression;

2. *Also welcomes* the continued commitment of the Federal Government of Somalia to the universal periodic review process, and in this regard welcomes its acceptance of the many recommendations made during the review and encourages their implementation;

3. *Expresses concern* at reports of violations and abuses of human rights in Somalia, and underscores the need to end impunity, to uphold the respect for human rights for all and to hold accountable all those responsible for such violations and abuses and related crimes;

4. *Expresses particular concern* at the abuses and violations perpetrated against girls and women, including sexual and gender-based violence, child, early and forced marriage and female genital mutilation, expresses concern at the abuses and violations committed against children, including the unlawful recruitment and use of child soldiers and children in armed conflict, killing and maiming, rape and other sexual and gender-based violence, and abductions, and emphasizes the need for accountability and justice for all such violations and abuses;

5. *Expresses concern* that internally displaced persons, including the most marginalized and vulnerable, which may include women, children and persons belonging to minority groups, are the most at risk and can bear the brunt of violence, abuses and violations;

6. *Also expresses concern* at the attacks against and harassment of human rights defenders and the media, including journalists, in Somalia, and emphasizes the need to promote respect for the freedom of expression and opinion and to end impunity, holding accountable those who commit any such related crimes;

7. *Recognizes* the efforts of those States hosting Somali refugees, urges all host States to meet their obligations under international law relating to refugees, and urges the international community to continue to provide financial support to enable host States to meet the humanitarian needs of Somali refugees in the region, to support the reintegration of those returning to Somalia when conditions are suitable, and to support internally displaced persons in Somalia;

8. *Calls upon* the Federal Government of Somalia, with the support of the international community:

(*a*) To implement the commitments in the New Partnership for Somalia and London Conference communiqué on constitutional reform, noting the importance of reaching a settlement on outstanding constitutional issues, completing the constitutional review process in a manner that promotes the building of peace and rule of law, and establishing a more inclusive model for elections in 2021;

(*b*) To end the prevailing culture of impunity and to hold accountable those who commit human rights violations and abuses, by concluding the establishment of a resourced and independent national human rights commission and through reform of State and traditional justice mechanisms to increase representation of women in the judiciary, and to improve access to justice for women and children;

(*c*) To impose a zero-tolerance policy on sexual and gender-based violence, including female genital mutilation, ensuring that those responsible for sexual and gender-based violence, exploitation and abuse, regardless of their status or rank, are held to account;

(*d*) To ensure security sector reform consistent with international law in order to ensure that Somali security forces and institutions comply with applicable national and international law, including international human rights law, including on the protection of individuals from, inter alia, sexual and gender-based violence, and on the prevention of extrajudicial killings, and to strengthen internal and external accountability of all relevant security forces and institutions;

(*e*) To increase the support and resources allocated to the ministries and institutions responsible for the administration of justice and the protection of human rights, particularly the Ministry for Women and Human Rights Development at the federal and State levels, the judiciary, the police and the correctional services;

(*f*) To ensure the meaningful participation of women in public and political life and decision-making by ensuring the electoral model for national elections in 2021 enables the increased representation of women, alongside elections at the federal Member State level;

(*g*) To realize the commitment made at the London Somalia Conference to establish closer dialogue and cooperation with civil society, with representation of women, marginalized groups and persons with disabilities;

(*h*) To promote reconciliation and dialogue at the federal, regional state and subnational levels, while recognizing the importance of the valuable assistance provided by the Intergovernmental Authority on Development;

(*i*) To implement the media protection law to protect and uphold the freedom of expression and a free media and to create a safe and enabling environment in which journalists and human rights defenders can operate free from hindrance and insecurity, to continue efforts to prohibit, prevent and protect against all kidnapping, killings, attacks, acts of intimidation and harassment of journalists, to initiate timely, effective, impartial and transparent investigations into killings of journalists, and to prosecute all those responsible for unlawful acts in a manner that is in line with provisions in the media protection law and is consistent with other applicable domestic and international legal obligations;

(*j*) To ensure the equitable participation of women, young people, members of minority groups and other marginalized groups in national political processes, and to establish skills development centres to empower women, young people and members of minority groups to participate;

(*k*) To consider acceding to and ratifying the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities and the Convention on the Prevention and Punishment of the Crime of Genocide;

(*l*) To finalize the review of and raise awareness about the new sexual offences bill and to pass the bill into law and implement it and other laws as necessary to prevent sexual and gender-based violence;

(*m*) To harmonize national and federal Member State-level political policies and legal frameworks with applicable human rights obligations and other commitments;

(*n*) To treat former combatants in accordance with applicable obligations under domestic and international law, in particular international human rights law and international humanitarian law, as applicable;

(*o*) To continue measures to implement the plans of action to prevent the unlawful recruitment and use of children in the Somalia national armed forces, and to work with specialist agencies, such as the United Nations Children's Fund, to ensure that former child soldiers and children under 18 years of age used in armed conflict are treated as victims and rehabilitated in accordance with international standards;

(*p*) To implement the declaration on durable solutions for Somali refugees and the reintegration of returnees in Somalia, adopted in Nairobi on 25 March 2017, to promote the well-being and protection of all internally displaced persons, including from sexual and gender-based violence, and also from exploitation and abuse committed by State or international military or civilian personnel, to facilitate the voluntary reintegration or return of all internally displaced persons, including the most vulnerable, in safety and with dignity, to ensure a fully consultative process and best practice for relocations, to provide safe sites that provide safe access to essential food and potable water, basic shelter and housing, appropriate clothing and essential medical services and sanitation, to ensure unhindered access for humanitarian organizations, to recognize the acute vulnerability of internally displaced persons, to facilitate full, rapid and unimpeded humanitarian access to people in need, wherever they are in Somalia, and to safeguard the neutrality, impartiality and independence of humanitarian actors from political, economic and military interference, while remaining sensitive to the needs of persons belonging to ethnic minorities requiring humanitarian assistance;

9. *Stresses* the important role of joint monitoring and reporting on the situation of human rights in Somalia by domestic and international experts and the Federal Government of Somalia, and the vital role that those monitoring human rights can play in evaluating and ensuring the success of technical assistance projects, which in turn must be for the benefit of all Somalis;

10. *Underlines* the importance of the realization by the United Nations Assistance Mission in Somalia of its mandate throughout Somalia and the need to ensure synergy with the work of the Office of the United Nations High Commissioner for Human Rights;

11. *Commends* the engagement of the Independent Expert on the situation of human rights in Somalia;

12. *Decides* to renew the mandate of the Independent Expert, under agenda item 10, for a period of one year to assess, monitor and report on the situation of human rights in Somalia, with a view to making recommendations on technical assistance and capacity-building in the field of human rights;

13. *Requests* the Independent Expert to continue to work closely with the Federal Government of Somalia at the national and subnational levels, with all United Nations bodies, including the United Nations Assistance Mission in Somalia, with the African Union, with the Intergovernmental Authority on Development, and with other relevant international organizations, civil society and all relevant human rights mechanisms, and to assist Somalia in the implementation of:

(*a*) Its domestic and international human rights obligations;

(*b*) Human Rights Council resolutions and other human rights instruments, including associated routine reporting;

(*c*) Recommendations accepted during the universal periodic review;

(*d*) Other human rights commitments, policies and legislation to promote the empowerment of women, young people and marginalized groups, freedom of expression and assembly, the protection of the media, access to justice for women, and the increasing

of the capacity of ministries and institutions responsible for the administration of justice and the protection of human rights;

14. *Also requests* the Independent Expert to report to the Human Rights Council at its thirty-ninth session and to the General Assembly at its seventy-third session;

15. *Requests* the Office of the High Commissioner and other relevant United Nations agencies to provide the Independent Expert with all the human, technical and financial assistance necessary to fully carry out his mandate;

16. *Decides* to remain actively seized of the matter.